



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,539	11/14/2003	Kentaro Toyama	3382-66131	7957
26119 7590 02/19/2008 KLARQUIST SPARKMAN LLP 121 S.W. SALMON STREET SUITE 1600 PORTLAND, OR 97204			EXAMINER NGUYEN, KIMBINH T	
			ART UNIT 2628	PAPER NUMBER
			MAIL DATE 02/19/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/713,539

Applicant(s)

TOYAMA ET AL.

Examiner

Kimbinh T. Nguyen

Art Unit

2628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 47-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 47-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/31/07 has been entered.
2. Claims 47-51 are pending in the application.

### ***Claim Objections***

3. Claim 51 is objected to because of the following informalities: delete the comma ",", at the end of the claim . Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claims 47-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kang et al. (7,010,174) in view of Debevec et al. (6,888,552).

Claim 47, Kang et al. discloses a method of displaying one or more digital high dynamic range images (col. 1, lines 39-42), the method comprising: receiving high dynamic range image information for a high dynamic range image (a dynamic scene captured; col. 2, lines 4-8); deriving image segment information from the high dynamic range image information during pre-processing of the high dynamic range image (col. 8, lines 38-40), the image segment information defining two or more image segments in the high dynamic range image (col. 9, lines 7-26; figs. 17A, 22, 23); and Debevec et al. teaches in response to a cursor (mouse 111) passing over a first image segment of the two or more image segments (col. 2, lines 54-56) in the high dynamic range image (col. 3, lines 8-10; col. 7, lines 12-15): Kang et al. teaches applying tone mapping to the first image segment (col. 33, line 40 through col. 34, line 14); and displaying the first image segment in accordance with at least one display parameter (a good contrast level for both brightly and darkly) corresponding to the tone mapping that differs from a corresponding display parameter for a second image segment of the two or more image segments in the high dynamic range image (results for the three different dynamic scenes: a fish market, a harbor and a drive along a busy street; col. 34, lines 22-32; figs. 22 and 23). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a user-operator scaling control taught by Debevec into the system of Kang for high dynamic range image editing, because it would facilitate the editing of a high dynamic range image with a low dynamic range image editing system without significant loss of dynamic range information (col. 2, lines 12-15).

Claim 48, Kang et al. discloses the first image segment and the second image segment include information from different image files (col. 34, lines 24-49).

Claim 49, Kang et al. discloses the displayed first image segment is blended with the second image segment (HDR stitching; two quadrants overlap; col. 29 through col. 30, line 65).

Claim 50, Debevec et al. discloses the displaying the first image segment in accordance with at the least one display parameter corresponding to the tone mapping is performed on a display having a lower dynamic range than the high dynamic range image (col. 2, lines 30-36). ). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a user-operator scaling control taught by Debevec into the system of Kang for high dynamic range image editing, because it would facilitate the editing of a high dynamic range image with a low dynamic range image editing system without significant loss of dynamic range information (col. 2, lines 12-15).

Claim 51, Kang et al. discloses displaying one or more digital high dynamic range images (col. 1, lines 39-42), the method comprising: accepting image information (the pixel color information, the pixel brightness) of the one or more digital high dynamic range images from a high dynamic range image source (col. 2, lines 28-45); as a pre-process, segmenting the one or more digital high dynamic range images into two or more image segments (col. 8, lines 38-40); caching the image information (the pixel color information) for retrieval (col. 17, lines 36-50); displaying an image on a display

device composed from the cached image information, the displayed image containing at least two of the image segments (col. 23, lines 1-16); Debevec et al. discloses receiving input indicative of a cursor passing over a first image segment of the at least two of the image segments in the displayed image (col. 2, lines 54-56; col. 3, lines 8-10; col. 7, lines 12-15); Kang et al teaches in response to the input: applying tone mapping to the first image segment, wherein the tone mapping is applied in accordance with at least one tone mapping display parameter that differs from a corresponding display parameter for a second image segment of the at least two of the image segments in the displayed image (results for the three different dynamic scenes: a fish market, a harbor and a drive along a busy street; col. 34, lines 22-32; figs. 22 and 23); and refreshing display of the image on the display device with the first image segment as modified by the tone mapping (col. 17, lines 52-55). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a user-operator scaling control taught by Debevec into the system of Kang for high dynamic range image editing, because it would facilitate the editing of a high dynamic range image with a low dynamic range image editing system without significant loss of dynamic range information (col. 2, lines 12-15).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimbinh T. Nguyen whose telephone number is (571) 272-7644. The examiner can normally be reached on Monday to Thursday from 7:00

Application/Control Number:  
10/713,539  
Art Unit: 2628

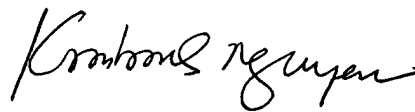
Page 6

AM to 4:30 PM. The examiner can also be reached on alternate Friday from 7:00 AM to 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached at (571) 272-7664. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

February 12, 2008

A handwritten signature in black ink, appearing to read "Kimbinh T. Nguyen", written in a cursive style.

**KIMBINH T. NGUYEN**  
**PRIMARY EXAMINER**